

REMARKS/ARGUMENTS

The applicants have carefully reviewed the Office Action and respond to the issues raised therein by the Examiner as follows:

Claim Rejections - 35 USC § 112

Claims 1-30 have been rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention. Specifically, some of the claims lack antecedent bases and some of the claim language is unclear. The applicants have amended the claims to correct the errors pointed out by the Examiner.

Claim Rejections - 35 USC § 102

Claims 1-5, 13 and 15, which are directed to a mop storage container, and Claims 16-20, 27 and 29, which are directed to a method of storing a mop, have been rejected under 35 U.S.C. § 102(a) as being anticipated by U.S. Patent No. 2,757,787 to Sergent. Sergent discloses a receptacle for dish mops and other similar articles. The receptacle has a base member and two shells that form a housing for the dish mop. However, Sergent does not disclose that liquids can drain into the base from the upper housing.

Claims 6 and 21 were not rejected as being anticipated by Sergent because Claims 6 and 21 require a strainer to be disposed across the opening in the lower housing of the present invention. Such a strainer which allows liquids to drain from the upper housing into the lower housing is not disclosed by Sergent. The applicants have amended independent Claims 1 and 16 to require a strainer and cancelled Claims 6 and 21. Accordingly, the claims as amended are not

anticipated by Sergent and the applicants respectfully request that the rejection based on Sergent be withdrawn.

Claim Rejections - 35 USC § 103

1. Claims 6-8 and 21-23 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Sergent in view of U.S. Patent No. 5,836,322 to Borger et al., which discloses a device for storing and cleaning a toilet plunger. The Office Action states at page 4 that, “Borger et al. disclose a strainer (at 35) disposed across a lower opening in a water tool-storing container.” Applicants respectfully submit that Borger teaches neither a strainer nor a lower opening in a water tool-storing container.

The “strainer (at 35)” is in fact a “base top” and it is described by Borger as follows:

The base 26 has a **base top 35** with a top surface 36, an opposite base bottom 33 with a bottom surface 38 and a base peripheral edge 39. . . As best shown in FIGS. 8A, 8B and, 10-12A, 13, 21A-21G, the **base top 35** of base 26 has a plurality of base grooves 42 therein. The grooves 42 are disposed downwardly away from the opening 31 of the open-topped container 22. . . Advantageously, any fluids 44 draining off the toilet plunger cup 14 may be collected in the grooves 42. The grooves 42 all connect at the front portion and the back portion of the base 26, so that fluids 44 will pool there and readily drain to the front of the device 10 and out of a pour spout 80 when the device 10 is tipped for pouring. The opposite bottom surface 38 of the base 26 is preferably flat.
(Emphasis added.)

See col. 6, line 67 to col. 7, line 27.

Borger teaches that fluids draining off the toilet plunger collect in the grooves in the base top (35) from where they can be drained to the front of the container. Borger neither teaches nor suggests that the base top (35) has any apertures in it or that it strains the fluids in any manner.

On the contrary, Borger teaches that fluids collect in the grooves which indicates that there are no openings in the base top (35).

In Figure 2 and other figures, Borger shows a circle drawn in phantom in the base of the container. However, this is not an opening. Borger discloses that the circle drawn in phantom represents a counterweight in the base of the container and not an opening:

Preferably, a counterweight 45 is disposed in the device 10 under the top surface 36 and below grooves 42. FIG. 2 is a bottom perspective view of the device of FIG. 1, with the counterweight shown in phantom lines to illustrate the position of the counterweight in the base 26. The counterweight is preferably molded into the device when the device 10 is injection molded and is preferably disposed between the top surface 36 and the bottom surface 38 of the base 26.

See at col. 7, lines 29-36.

Borger neither teaches a strainer nor a lower housing where fluids are collected after passing through the strainer. Accordingly, a combination of the disclosures of Sergent and Borger does not render the present invention obvious. These references alone or in combination fail to teach or suggest the present invention, wherein a strainer is disposed between an upper and lower housing so that fluids in the upper housing pass through the strainer and are collected in the lower housing. Therefore, the applicants respectfully request that the rejection based on these references be withdrawn.

2. Claims 9-12 and 24-26 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Sergent in view of U.S. Patent No. 1,869,753 to Kamm, which discloses a case that is used to preserve a paint brush. However, the amended claims of the present invention require a strainer to be disposed between an upper and lower housing. Neither Sergent nor

Kamm teach or suggest a strainer. Accordingly, applicants respectfully request that the rejection of the claims based on these references be withdrawn.

3. Claim 30 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Sergent in view of U.S. Patent No. 5,645,167 to Conrad, which discloses a paint brush container with a fastener means. However, Conrad does not disclose a strainer disposed between an upper and a lower housing as required by the amended claims. Therefore, the applicants respectfully request that the rejection based on the combination of Sergent and Conrad be withdrawn.

Amendments to Claims

Applicants have amended the claims so that they now require a strainer to be disposed between the upper housing and the lower housing. The strainer separates small particles from the fluids that enter the upper housing so that strained fluids can be collected in the lower housing. None of the prior art patents cited in the present Office Action, either alone or in combination, teach or suggest such a container. Accordingly, the applicants believe that their invention is distinguishable from the cited references.

The applicants have also amended independent claims 1 and 16 to describe the attachment of the members of the upper housing to the lower housing as being either flexibly or “pivotably” attached. Support for this amendment is found in the specification at page 4, lines 20-25, which states that the members of the upper housing can be attached to the lower housing by hinges (i.e., by hinges) or in the alternative flexibly:

The upper housing 12 preferably includes a first member 16 and a second member 18 that extend upperwardly from the lower housing 14. At least one of the first member 16 and the second member 18 is hinged to the lower housing 14.

Alternatively, the upper housing 12 and lower housing 14 may be manufactured as a single unit having flexible first and second members 16, 18 that enable repeated insertion and extraction of the mop.

This amendment is further supported by the drawings (Figures 1-3 and 6-7) which show the members of the upper housing attached to the lower housing by hinges.

Applicants respectfully submit that the amendments to the claims and the arguments made herein, have overcome the rejections under 35 U.S.C. 102, 103 and 112. The applicants, therefore, respectfully request that the rejections of the claims be withdrawn. If resolution of any remaining issue is required prior to allowance of the application, it is respectfully requested that the Examiner contact applicants' undersigned attorney at the telephone number provided below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Kevin E. McDermott", written over a horizontal line.

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